

¹ On January 22, 2007 this Court gave the petitioner a ten (10) day leave to demonstrate jurisdiction in this Court. (Doc. No. 6). In his Statement of Jurisdiction, the petitioner argued that diversity of citizenship was present without acknowledging the distinctions between an LLC and a Corporation as detailed by the Fourth Circuit in Gen. Tech. Applications, Inc.v. Exro Ltda, 388 F. 3d 144, 121 (4th Cir. 2004).


pursuant to 28 U.S.C. § 1332 (c)(1).

The Fourth Circuit, however, has held that “[a] limited liability company organized under the laws of a state is not a corporation and cannot be treated as such under section 1332 until Congress says otherwise.” Gen. Tech. Applications, Inc.v. Exro Ltda, 388 F. 3d 144, 121 (4th Cir. 2004) (citing GMAC Commercial Credit LLC v. Dillard Dep’t Stores, Inc., 357 F.3d 827, 829 (8th Cir. 2004)). Accordingly, “a limited liability company is assigned the citizenship of its members.” Id. at 120; see also 32A Am Jur. 2d Federal Courts § 834 (providing in part, “The rule for determining the citizenship of an unincorporated association is well established: the citizenship of an unincorporated association, for federal diversity jurisdiction purposes, is the citizenship of each of the individual members of the association. . . . Consequently diversity of citizenship does not exist where any one of the members of the association is a citizen of the same state as one of the association’s adversaries in a suit.”)

Accordingly, it is hereby ORDERED that the petitioner is given a leave of ten (10) days from the date below to demonstrate complete diversity between the members of the respondent LLC and the petitioner. The respondent, at its election, shall file a response within ten (10) days after service of the petitioner’s amended pleading.

IT IS SO ORDERED.

Signed: July 5, 2007


Robert J. Conrad, Jr.
Chief United States District Judge

